

## **II. REMARKS**

### **A. Introduction**

Applicant submits this Response in a bona fide attempt to (i) advance the prosecution of this case, (ii) answer each and every ground of objection and rejection as set forth by the Examiner, (iii) place the claims in a condition for allowance, and (iv) place the case in better condition for consideration on appeal. Applicant respectfully requests reexamination and reconsideration of the above referenced patent application in view of this Response.

Claims 1-6, 53 and 55-61 are pending in this case. The Examiner has indicated that Claims 1-6, 53 and 56-58 are allowed. As set forth above, Applicant has accordingly elected to cancel Claims 55 and 59-61.

### **B. Response to Rejections**

The Examiner has rejected Claims 55 and 59-61 “under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,638,816 to Kiani-Azarbayjany et al.” The Examiner contends that “Kiani-Azarbayjany et al. teaches a method of determining glucose, hemoglobin, oxyhemoglobin, and water using a plurality of wavelengths.”


Applicant respectfully disagrees with the Examiner’s position. However, for purposes of facilitating issuance of the case with allowed Claims 1-6, 53 and 56-58, Applicant is canceling Claims 55 and 59-61, without prejudice. Applicant accordingly reserves the right to seek allowance of the canceled claims through a continuation application.

## **III. CONCLUSION**

Applicant respectfully requests that this case proceed to issuance with allowed Claims 1-6, 53 and 56-58.

If the Examiner has any further questions or comments, Applicant invites the Examiner to contact his Attorneys of record at the telephone number below to expedite prosecution of the application.

Respectfully submitted,  
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